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IN THE

Supreme Court of the United States

Term, 1966

No. 1291

WILLIAM L. TAUB, *Petitioner,*

v.

RANDOLPH HALE (a/k/a RANDOLPH HALE-ALCAZAR THEATRE), UNITED STATES MARSHALS, ALBERT GINS and MELVIN J. KATZ, and all other ATTORNEYS and AGENTS for RANDOLPH HALE, *Respondents.*

SUPPLEMENTAL PETITION

J. HOWARD MCGRATH and
KENNETH D. MILLER
Suite 1037
1875 Connecticut Ave. N.W.
Washington, D. C.

Attorneys for Petitioner

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SUPPLEMENTAL PETITION

The petitioner, begs leave to submit this Supplemental Petition in the above-captioned matter, and beg the Court to grant leave to include therein statutes and cases in point.

This petition is brought on for the purpose of obtaining a re-hearing of a Writ of Certiorari to the Supreme Court of the United States.

The main petition herein is absent of citation and cases in point.

The petition and the relief sought therein is primarily based upon the prohibition and vision in Title 28 U. S. Code 455 which reads:

"Interest of justice or judge. Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related

to or connected with any parties or attorneys as to render it improper, in his opinion for him to get on the trial, appeal or other proceedings therein."

The petition herein alleges on Page 2 of the said petition, that Judge HARRIS, U. S. D. J. (in the California proceeding) had a pecuniary interest in the outcome of that matter, and in fact, was a business associate and partner of the defendant, HALE. (As will be shown by *affidavits* now in the possession of your petitioner.)

This petition is verified. It is the clear intent of the aforementioned cited Statute that a Judge who has such an interest in any proceeding or matter, cannot possibly do justice to litigants. The due process clause of the U. S. Constitution has clearly been violated by reason of the bias Judge presiding in this matter. (Fifth Amendment, U. S. Constitution.)

No person can be deprived of his property without due process of law. *Union Telegraph Company* v. *City of Davenport,* 97 U. S. 396.

Nor should any Federal officer having an interest in any controversy rule such capacity. *Tumey* v. *City of Ohio,* 47 S. C. 437. Also see *Murchison,* 75 S. C. 623.

It is also noted that the Counterclaim of the defendant, HALE, the judgment upon which is bottomed, all of the irregularities mentioned in the main petition, was entered without personal service or any service or notice to your petitioner. Rule 4D of the Federal Practice Rules specifically requires that jurisdiction does not attach until personal service or other pro-service is had. Notice by service or otherwise is a necessary requisite of due process of law. *State of Missouri el re Hurwitz* v. *North,* 45 S. C. 384, 271 U. S. 40. See also with equal emphasis *Hollingsworth* v. *Barbour,* 29 U. S. 466.

It is respectfully urged that the Court amend page 5 of the main petition and under "Conclusion" so as to read, "that pursuant to 28 U. S. Code 455."

That your petitioner will prove upon the re-hearing of this Writ that his constitutional rights as guaranteed under the Sixth Amendment was also violated. This is evidenced by the action taken by the U. S. Marshals, when the door to his residence was chopped down, and he was arrested and hauled before the Hon. PALMIERI (see page 3 of main petition). Due process of law was also denied in this instance by reason of the fact that he was never afforded an opportunity to consult with his attorney at any such of those supplemental proceedings.

WHEREFORE, your petitioner respectfully prays that the relief sought in the main petition in all respects be granted.

WILLIAM L. TAUB

(Verification by Petitioner.)